

1 **KEN THERRIEN**
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5 Attorney for:
6 **MONICA PESINA**

7
8 **UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF WASHINGTON**
10 **(Honorable Salvador Mendoza, Jr.)**
11

12 UNITED STATE OF AMERICA,)	NO. 19-CR-6063-SMJ-1
13)	20-CR-0005-SMJ-1
14 Plaintiff,)	
15)	
16 vs.)	DEFENDANT'S SENTENCING
17)	MEMORANDUM
18 MONICA PESINA,)	
19)	
20 Defendant.)	

21 **TO: WILLIAM HYSLOP, United States Attorney**
22 **AND TO: STEPHANIE VAN MARTER, Assistant United States Attorney**
23 **AND TO: SEAN CARTER, United States Probation Officer**

24 Monica Pesina, by and through her attorney of record, Ken Therrien hereby
25 submits his Objections and Corrections to the PSIR in preparation for his sentencing
26 hearing scheduled for September 23, 2021 at 10:15 a.m. in Richland, Washington.
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30 **DECLARATION OF COUNSEL**
31 **Page 1**

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**Monica Pesina Objections and Corrections to the Preliminary Sentence
Investigation Report (ECF 183) dated August 19, 2021**

Objection #1:

Paragraph unnumbered page 5 of the PSIR: Ms. Pesina objects that she is not available for the safety valve and the First Step Act.. A review of the Plea Agreement ECF 176 page 13 paragraph 9 Ms. Pesina agreed she was not eligible for the Safety Valve and First Step Act.

Objection #2:

Paragraph unnumbered page 5 of the PSIR: Ms. Pesina objects to the 2-level enhancement, for possession of a dangerous weapon. A review of the Plea Agreement (ECF 176) page 12 paragraph 2, Ms. Pesina as part of the Plea Agreement agreed to the 2 level enhancement.

Note: On August 24, 2021 Counsel for Ms. Pesina traveled to the Benton County Jail to meet with Ms. Pescina to review the PSIR. I arrived at 11:00 a.m. and was advised by Jail Staff that I only had to 11:30 am to meet with Ms Pesina's because her tank was going to be closed for Covid related issues, but I could come back at 1:30 p.m. I spent 20 minutes reviewing what I could with Ms. Pescina before I had to leave, to attend a hearing in Sunnyside Municipal Court at that time at 1:30 p.m. The PSIR review was completed on August 27, 2021 by Video Conference at 2:30 p.m.. The Video visit lasts for 25 minutes. A review of the objections made by Ms. Pescina were noted by Counsel. Counsel attributes the objections by Ms. Pescina listed above to a lack memory as to the terms of the plea agreement previously entered and insufficient time to discuss them with her. However, since they were made I noted them.

Corrections to the PSIR

Correction P; 16 paragraph #109: Monica Pesina was in a relationship with Michael Hively and was not married to him. There son's first name is spelled "Damion".

Correction P: 16-17 paragraph # 112-113: Monica Pesina disagrees with the amount of time she had custody of her children. Ms. Pesina asserts It was "for a long period of time".

Correction P: 17 paragraph #116: Monica Pesina disputes that her daughters stomach problems were caused by the stress of her living situation. Ms. Pesina advises her daughters stomach issues were caused by a "gluten sensitivity" diagnosed by St. Jude's Hospital in Spokane: Ms. Pescina also would add that her son always excelled in Football and when Ms. Pescina got her and her children away from Mr. Waldrop people would complement her on what a great job she was doing raising her children.

Correction p.17 paragraph #115: Monica Pesina disagrees with assertions that Ms. Walrop funds her telephone communication with her children. Ms. Pesina states that she sold her truck to Ms Waldrop for \$100.00 a month and those funds are used to fund the telephone calls.

Dated this 31th day of August 2021.

/s/ Ken Therrien

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury of the laws of the State of Washington that on August 31, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

- Stephanie Van Marter, Assistant United States Attorney
- Sean Carter, Unites States Probation Officer¹

s/ Ken Therrien

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